

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>SAMUEL MIKAIL,</b>	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 3:15-2437</b>
	:	<b>(JUDGE MANNION)</b>
<b>v.</b>	:	
	:	
<b>PAM MANAGEMENT, INC. and DRUMS FUEL STOP, INC.,</b>	:	
<b>Defendants</b>	:	

**ORDER**

In accordance with the memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1) the plaintiff's motion for summary judgment, (Doc. [38](#)), is **GRANTED** with respect to his breach of contract claims raised in his complaint, (Doc. [1](#)), against defendant PAM, (Count I), and defendant Drums, (Count II), except with respect to his claims for interest regarding the payments which were due under both Contracts in February of 2010 and February 2011 since these claims are **DISMISSED** as time-barred;
- (2) judgment is entered in favor of plaintiff and against defendant PAM on his breach of contract claim in Count I of the complaint in the amount of \$1,180,000;<sup>1</sup>

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<sup>1</sup>The court reduced the principal amount due under the PAM Contract by \$120,000 which represents the first two annual interest-only payments of \$60,000 due in February 2010 and February 2011 since plaintiff's claims for

- (3) within 14 days of the date of this Order, plaintiff shall submit a detailed accounting of the pre-judgment interest due regarding the PAM Contract, defendant PAM may file a brief in opposition within 14 days thereafter, and plaintiff may file a reply brief within 7 days after PAM's brief is filed;
- (4) judgment is entered in favor of plaintiff and against defendant Drums on his breach of contract claim in Count II of the complaint in the amount of \$295,000;<sup>2</sup> and
- (5) within 14 days of the date of this Order, plaintiff shall submit a detailed accounting of the pre-judgment interest due regarding the Drums Contract, defendant Drums may file a brief in opposition within 14 days thereafter, and plaintiff may file a reply brief within 7 days after Drums's brief is filed.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Date: April 12, 2017**

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these payments are time-barred.

<sup>2</sup>The court reduced the principal amount due under the Drums Contract by \$30,000 which represents the first two annual interest-only payments of \$15,000 due in February 2010 and February 2011 since plaintiff's claims for these payments are time-barred.